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17 December 1980

George A. Depaoli, Esq.
Depaoli & O'Brien
Suite 1005 Crystal Mall 1
1911 Jefferson Davis Highway
Arlington VA 22202

RE: U.S. APPLICATION 008,013 FILED 31 JANUARY 1979
"Smoking Compositions" of Sanders et al./D&O-78-22/PM 828

Dear George:

I have just received the European Patent Office search report for a related application (D&O-79-5, PM 868). The examiner cited a French patent publication that appears to be of interest in the above-noted application (PM 828). Specifically, publication no. 2376852, published 4 August 1978 and assigned to ICI, discloses certain pyrazine compositions having parasiticidal and/or bactericidal activity. There is, however, no suggestion that said pyrazine compounds would be useful smoking composition flavorants. Because of the closeness of the generic formula to our PM 828, it would seem advisable to get this publication into the record. The allowed claims are for smoking compositions and I do not believe that this publication affects the claims adversely.

As you know, the issue fee for this application is due on Friday, January 2. Whether an interview with Examiner Millin is possible at this late date remains to be seen. In any event I am enclosing the issue fee and papers to accompany the fee and ask that you determine the best course of action. In any event, I request that the issue fee be hand carried to the Office to be certain that it is paid on time.

The above-noted European search results also included additional patents/publications, and I have located U.S. equivalents to all of them. I am enclosing the U.S. equivalents with this letter and they should be considered with respect to both D&O-78-22 and D&O-79-5. Note that U.S. Patent 3881025 was cited in the text of both of our applications. Listed below are the cited patents and the U.S. equivalents:

Offenlegungsschrift 2353467 = U.S. 3968212
Offenlegungsschrift 2257122 = U.S. 3881025
Brevet D'Invention No. 1530436 = U.S. 3931166 (Note that 3931166 is priority USSN 452342 filed 30 April 1965; the following divisional applications claiming this priority date have issued as 3924015, 3702253, 3931245, 3931246, 3949100, 3989713, 3993792, 4002793, 4005227, 4038435, 4085109, 4113891, and 4200660).

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Source: https://www.industrydocuments.ucsf.edu/docs/lqyj0000

I have compared the text of French 1530436 and U.S. 3931166 and they appear to be the same. I see no reason why one would have to cite all the divisional applications, but wanted you to be aware of their existence. No doubt there are additional ones which we do not have in our files.

Please let me know once you have determined the best course of action. Sorry to hit you with this at such a busy time.

Sincerely,

Susan A. Hutcheson

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Enclosures
cc: T. Osdene
E. Sanders
Y. Houminer

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Source: https://www.industrydocuments.ucsf.edu/docs/lqyj0000